

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

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FOR COURT USE ONLY

FILED

JUL 08 2011

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT,
 NORTHERN DISTRICT OF CALIFORNIA

NAME OF COURT: United States District Court

STREET ADDRESS: 450 Golden Gate Avenue

MAILING ADDRESS: 450 Golden Gate Avenue

CITY AND ZIP CODE: San Francisco, California 94102

BRANCH NAME: Northern District of California

PLAINTIFF: Automotive Industries Pension Trust Fund, et al.

DEFENDANT: Capitol Dodge, Inc., a California Corporation, et al.

APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION

CASE NUMBER:

C-10-04607 SBA [MEJ]

☒ ENFORCEMENT OF JUDGMENT ☐ ATTACHMENT (Third Person)☒ Judgment Debtor ☐ Third Person**ORDER TO APPEAR FOR EXAMINATION**

TO (name): CCP 708.150; Judgment Debtor Capitol Dodge, Inc., by and through its Person Most Knowledgeable

YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to

- a. ☒ furnish information to aid in enforcement of a money judgment against you.
 b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 c. ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: 9/19/2011

Time: 9:30 a.m.

Dept. or Div.:

Rm.: Courtroom B - 15th Fl.

Address of court ☒ shown above ☐ is:

i. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: 7-8-11

Maria Elena James

United States Chief Magistrate Judge

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE**APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

- i. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): Judgment Debtor Capitol Dodge, Inc., by and to appear and furnish information
 to aid in enforcement of the money judgment or to answer concerning property or debt. through its Person Most Knowledgeable
- ii. The person to be examined is
 a. ☒ the judgment debtor.
 b. ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- iii. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- iv. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- v. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 6, 2011

Kimberly A. Hancock, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(Continued on reverse)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.